

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Senaka Balasuriya

Serial No. 10/034,794

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Confirmation No.: 1315

Examiner: Uzma Alam

Art Group: 2157

Docket No.: 33692.01.0023

Title: **MULTI-MODAL COMMUNICATION USING A SESSION SPECIFIC PROXY SERVER**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REMARKS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicant respectfully submits that the Examiner's rejections include clear errors because the Examiner failed to address Applicant's amendments and remarks in the last action. It appears that an administrative error may have occurred resulting in the final Action dated November 30, 2006 being sent twice. The latest Final Action is word for word the same as the prior Final Action mailed nearly a year earlier on November 30, 2006. It even refers to the prior action of September 2006 when in fact the last response was filed in 2007. Failure to consider amendments and remarks is a violation of the MPEP and clear error. There is also clear error since the references do not teach what the Examiner alleges.

Applicant respectfully submits that there has been clear error on the part of the Examiner in that the Examiner failed to consider Applicant's response after the first office action. This is evidenced by the fact that the current Final Action mailed November 27, 2007 is a duplicate of the prior Final Action that was mailed November 30, 2006.

Applicant notes that even the "Response to Arguments" section is identical and actually refers to Applicant's arguments filed a year prior, namely on September 23, 2006 and does not refer

to Applicant's amendments or remarks filed on September 12, 2007. Applicant, in their response to the June 12, 2007 Office Action, amended the claims and provided additional arguments, none of which were addressed in the Final Action or even considered. This is clear error.

Also, Claims 1-6, 19-21 and 26-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Boloker in view of Gbadegesin. The references do not teach what is alleged. For example, as per claims 1 and 26, Applicant respectfully submits that these claims are in condition for allowance since at least the Boloker reference does not teach what is alleged. For example, the rejection states that the synchronization manager (SM) equates to the claimed controller. However, it is noted that the synchronization manager as set forth, for example, in the cited portions (see also paragraph 201) indicate that the synchronization manager is actually part of the multi-modal shell 41 which is alleged to be the claimed plurality of multi-modal session proxy servers. Applicant respectfully submits that the claim requires that these limitations are separate from one another since it does not claim that the controller comprises a plurality of multi-modal session proxy servers as would be required by the teachings of Boloker. Accordingly, Applicant respectfully submits that the claims are in condition for allowance.

As notable, the claim also requires a plurality of multi-modal session proxy servers that each have a proxy address and that the controller determines on a per-session basis, which of a plurality of multi-modal proxy identifiers represents the proxy address of the selected multi-modal session proxy server. The office action cites paragraphs 26-30, 71, 74 and 202 as allegedly teaching a plurality of multi-modal proxy servers. It is alleged that the multi-modal shell can be implemented as any type of device such as a server. However, Applicant respectfully submits that the cited portions are silent as to a plurality of multi-modal shells that each have a proxy address. In fact, the cited portions refer to a single multi-modal shell and as such, it does not appear that the Boloker reference teaches, or even contemplates, the claimed subject matter as alleged. Accordingly,

Applicant respectfully submits that these claims are in condition for allowance at least for this reason as well.

In addition, the claim requires that the controller, alleged to be the synchronization manager of Boloker, determines on a per-session basis which of a plurality of multi-modal session proxy identifiers represents a proxy address of a selected multi-modal session proxy server of the plurality of proxy servers. Again, Applicant respectfully notes that the synchronization manager of Boloker does not determine which of a plurality of multi-modal shells is selected since the synchronization manager is part of a single multi-modal shell. In addition, there are no plurality of multi-modal proxy identifiers that are evaluated by a synchronization manager as alleged in the cited portions. If the rejection is maintained, Applicant respectfully requests a showing by paragraph numbers of where the cited portion teaches the claimed subject matter as Applicant is unable to find such a teaching.

As noted in Applicant's Background, systems like those set forth in the Boloker reference may suffer from the same problems as other prior systems since it employs a single multi-modal shell with a static IP address. There is no mention in the cited portions of Boloker as to any other different operation. If the rejection is maintained.

The dependent claims add additional novel and non-obvious subject matter.

As to claim 19, Applicant respectfully reasserts the relevant remarks made above with respect to Boloker. For example, the office action cites FIGs. 23 and 25 as allegedly teaching, among other things, receiving a multi-modal proxy identifier, on a per-session basis, for a browser based on a selection from a plurality of multi-modal proxy servers. No specific paragraph has been cited as teaching this subject matter and Applicant is unable to find any teaching of a plurality of multi-modal proxy servers as noted above.

In Applicant's June Response, Applicant requested a showing of where Boloker taught a plurality of multi-modal session proxy servers as claimed and the claimed controller. None has been given.

Withdrawal of the rejection of the claims is respectfully requested due to clear errors by the Examiner, and a Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated: March 28, 2008

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